

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

DENNIS HOLLIDAY,)
Plaintiff,)
v.)
VIRTUOSO SOURCING GROUP, LLC,)
Defendant.)
No. 3:11-cv-00314-WDS-PMF

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

DENNIS HOLLIDAY (“Plaintiff”), through his attorneys, KROHN & MOSS, LTD., alleges the following against VIRTUOSO SOURCING GROUP, LLC (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

4. Defendant conducts business in the state of Illinois, and therefore, personal

PARTIES

6. Plaintiff is a natural person residing in Vandalia, Fayette County, Illinois, and is obligated or allegedly obligated to pay a debt and is a “consumer” as that term is defined by 15 U.S.C. 1692a(3).

7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

8. Defendant is a collection agency located in Aurora, Colorado.

9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant is attempting to collect an alleged debt from Plaintiff.

11. Upon information and belief, the alleged debt is owed to Verizon Wireless for a personal cell phone.

12. Defendant began placing telephone calls to Plaintiff around January of 2011.

13. Defendant calls Plaintiff from a telephone number 800-452-8139.

14. In an attempt to resolve this matter, Plaintiff informed Defendant that he would try to make a payment on the alleged debt upon receipt of his tax return.

15. At that point, Defendant ceased, or diminished, the frequency of its calls to Plaintiff.

16. Around the beginning of March of 2011, resumed its calls to Plaintiff.

17. Defendant called Plaintiff upwards of two times per day.

18. Plaintiff answered many of Defendant’s calls and informed Defendant that he could not pay at the time.

19. Despite the aforementioned, Defendant continued to call Plaintiff upwards of two

times per day.

20. Further, Defendant's collectors falsely instructed Plaintiff that he informed Defendant that he would pay Defendant once he received his tax return.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

21. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff; and
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- c. Defendant violated §1692e of the FDCPA by using false, deceptive and/or misleading representations and/or means in connection with the collection of a debt.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.

WHEREFORE, Plaintiff, DENNIS HOLLIDAY, respectfully requests judgment be entered against Defendant, VIRTUOSO SOURCING GROUP, LLC, for the following:

22. Statutory damages of \$1,000.00, pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*;
23. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*; and
24. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Adam T. Hill
Adam T. Hill
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, DENNIS HOLLIDAY, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

(STATE OF ILLINOIS)

Plaintiff, DENNIS HOLLIDAY, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, DENNIS HOLLIDAY, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

4-11-11

Date


DENNIS HOLLIDAY